



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Heitor H. Marques

Defendant.

09-M-52716
ORDER OF DETENTION AFTER HEARING
(18 U.S.C. § 3142(i))

I.

A. On motion of the Government involving an alleged

1. crime of violence;

2. offense with maximum sentence of life imprisonment or death;

3. narcotics or controlled substance offense with maximum sentence of ten or more years (21 U.S.C. §§ 801,/951, et seq.,/955a);

4. felony - defendant convicted of two or more prior offenses described above;

5. any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C § 2250.

B. On motion (by the Government) / (by the Court sua sponte involving)

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- 1 1. () serious risk defendant will flee;
- 2 2. () serious risk defendant will
 - 3 a. () obstruct or attempt to obstruct justice;
 - 4 b. () threaten, injure, or intimidate a prospective witness or juror or attempt to do so.

5 II.

6 The Court finds no condition or combination of conditions will reasonably assure:

- 7 A. () appearance of defendant as required; and/or
- 8 B. () safety of any person or the community.

9 III.

10 The Court has considered:

- 11 A. () the nature and circumstances of the offense, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;
- 14 B. () the weight of evidence against the defendant;
- 15 C. () the history and characteristics of the defendant;
- 16 D. () the nature and seriousness of the danger to any person or to the community.

17 IV.

18 The Court concludes:

- 19 A. () Defendant poses a risk to the safety of other persons or the community because:

20 2 X felon
21 failed to comply w/ prior probation
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1 B. () History and characteristics indicate a serious risk that defendant will flee because:

2 illegal alien

3 no ties to community

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C. () A serious risk exists that defendant will:

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1. () obstruct or attempt to obstruct justice;

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2. () threaten, injure or intimidate a witness/ juror, because:

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D. () Defendant has not rebutted by sufficient evidence to the contrary the presumption provided in 18 U.S.C. § 3142 (e).

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IT IS ORDERED that defendant be detained prior to trial.

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IT IS FURTHER ORDERED that defendant be confined as far as practicable in a corrections facility separate from persons awaiting or serving sentences or person held pending appeal.

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IT IS FURTHER ORDERED that defendant be afforded reasonable opportunity for private consultation with his counsel.

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DATED: 2/23/10

afly

**ROSALYN M. CHAPMAN
UNITED STATES MAGISTRATE JUDGE**